

Special Report

Boards and Commissions Special Request

April 2023



Boards and commissions offer the public an opportunity to take part in local government. Board members are volunteers appointed by the Mayor, the City Council, and other government bodies. Austin's boards advise the Council on topics ranging from the arts to public utilities. There are over 90 boards in Austin, 55 of which are established in City Code.

City Code sets rules for boards and commissions related to attendance, meeting frequency, and the issuance of recommendations. In 2021 and 2022, most of Austin's boards met these requirements. Four boards per year failed to comply with meeting frequency requirements. Additionally, while 99% of recommendations aligned with City Code rules, two boards issued recommendations that may go beyond their designated scope. Boards have low rates of vacant positions with an average vacancy rate of 5%. However, our analysis identified some long-term vacancies, which may impact a board's ability to conduct business and serve the public. We also observed issues related to board data collection and the clarity of some board bylaws.

Contents

Objective & Background.....	2
What We Learned.....	3
Appendices.....	14
Why We Did This Report.....	24
Scope & Methodology.....	24

Cover: [A group of individuals in a City Hall conference room, [City of Austin's Flickr](#)]

Objective

The objective of this special request was to answer the following questions provided by the City Council for the years of 2021 and 2022:

1. Summarize the number of vacancies lasting longer than three months for each board.
2. Summarize the number of board members who were flagged by the City Clerk as having attendance issues.
3. Summarize the frequency of meetings, including cancellations.
4. How many recommendations has each board made to the City Council? Did those recommendations fall within the stated scope of the board in City Code and/or board bylaws?
5. Are there other areas that boards have communicated with Council about? Did those communications fall within the stated scope of the board in City Code and/or board bylaws?

Background

Boards and commissions are a part of local government that offer the public an opportunity to take part in the policymaking process. Board members are volunteers appointed by the Mayor, the City Council, and other government bodies. There are a wide range of boards in Austin, such as the Arts Commission, the Bond Oversight Commission, and the Water and Wastewater Commission. Boards and commissions may issue recommendations to the City Council. They are often sources of expertise and advocacy in their policy area of focus.

The Office of the City Clerk (OCC) is a City of Austin department that serves as a liaison between boards, residents, Council, and department staff. OCC coordinates all aspects of the boards and commissions systems and processes, including maintaining the digital “Boards and Commissions Information Center.” Each board is also assigned a staff liaison from a City of Austin department relevant to the board’s subject area.

There are 93 boards and commissions listed on the “Boards and Commissions Information Center” webpage, 55 of which are formally

established and governed by Austin City Code Chapter § 2-1. This report focuses on the 55 boards and commissions established in City Code Chapter § 2-1, as they share common requirements related to member appointments, attendance requirements, vacant positions, meeting procedures, reporting, and communications. A list of the 55 boards reviewed in this report can be found in Appendix A. A list of the 38 boards that are included on OCC's website that are not codified in City Code Chapter § 2-1 can be found in Appendix E. Research about boards and commissions policies in four peer cities is located in Appendix F.

What We Learned

Summary

Most of Austin's boards meet City Code requirements related to attendance, meeting frequency, and recommendations. Our analysis identified that in 2021 and 2022, four boards per year did not comply with meeting frequency requirements. We also determined that, while 99% of recommendations issued by boards in 2021 and 2022 aligned with City Code requirements, two boards issued recommendations that may go beyond their intended scope.

Boards have low rates of vacant board member positions. Austin's boards had an average vacancy rate of 5% from November 2021 to December 2022. However, our analysis identified some long-term vacancies, which may impact a board's ability to conduct business and serve the public.

Code requires that board members use their official city email addresses while communicating about board business. Beyond this requirement, there are no restrictions on individual board member communications with Council members. Boards communicate with Council members and their staff regarding logistical matters related to board operations, policy-related matters, and, on occasion, interpersonal issues between board members.

During our analysis, we observed issues related to board data collection and the clarity of some board bylaws in City Code.

Question #1

Summarize the number of vacancies lasting longer than three months for each board.

Most boards have 11 positions, one for each of Austin's 10 Council members to appoint one person, plus an appointee for the Mayor. When a Council member's appointed position becomes vacant, that appointing Council member is responsible for filling the vacancy.

According to available data, Austin's boards and commissions had an average monthly vacancy rate of 5% between November 2021 and December 2022. This means that out of the 634 positions that exist across Austin's 55 boards and commissions, there were an average of 35 vacant positions per month. In this context, a vacancy means a position that requires action from Council, or another appointing entity, to fill.

While monthly vacancy rates across all boards were found to be low, **there were 55 vacant seats that remained unfilled for more than three months during the evaluated time frame.** Occasional vacancies on boards occur

§ 2-1-6 - QUORUM AND ACTION.

A simple majority, also known as a quorum, of board members must be present for a board to meet and conduct business. In most cases, a board for the City of Austin consists of 11 board members, so six board members qualify as a quorum.

due to the volunteer nature of the work, term limitations, and appointment requirements. However, a quorum, or simple majority, of members must be present in order for boards to meet and conduct business. Because the number of unfilled positions, or vacancies, does not change the quorum requirements, boards with long-term vacancies may face obstacles to conducting business and serving their public purpose. A list of the boards with long-term vacancies, and the length of these vacancies, during the time period examined in our report can be found in Appendix B.

The average length of time in which a long-term vacant seat remained empty was 6 months. Some boards were found to have multiple long-term vacancies, as shown in Exhibit #1.

Exhibit #1: Boards with multiple long-term vacancies

Board Name	Number of Positions That Were Vacant for 3+ Months between November 2021 and December 2022
Asian American Quality of Life Commission	3
Construction Advisory Committee	3
Emma S. Barrientos Mexican American Cultural Center Advisory Board	3
Public Safety Commission	3
Community Technology and Telecommunications Commission	4
Economic Prosperity Commission	4

Source: Auditor analysis of vacancy reports from the Office of the City Clerk, March 2023

Data Quality Note: The above information was developed through an auditor analysis of monthly reports containing vacancies by board provided by OCC for the period of November 2021 to December 2022. These reports were unavailable for the full two-year period examined in our special request, as OCC began consolidating monthly vacancy reports from boards in this format as an additional resource for Council in November 2021. However, OCC did not compile these monthly reports in February 2022. Therefore, the above analysis is incomplete and may reflect an undercount of the three month or longer vacancies.

For instance, if this data set showed that there was a vacancy for a board in January 2022, March 2022, and April 2022, it would not have been counted as a continuous three-month vacancy in our analysis because we were unable to verify if that same position had been vacant in February 2022 due to the incomplete data. Department staff liaisons collect monthly attendance records, which include vacancy information, for their assigned boards. OCC also shared these records with us for 2022 and 2021. However, many of these individual reports were incomplete or unclear, and they were not consistently collected for each of the 55 boards we analyzed. Therefore, we opted to use the information compiled by OCC, despite the more limited time frame for which the data was available.

Question #2

Summarize the number of board members who were flagged by the City Clerk as having attendance issues.

Board members must meet certain attendance requirements. If a board member is absent for three consecutive meetings, or one-third of all regular meetings during a 12-month timeframe, they are in violation of attendance requirements. Board members that violate attendance requirements can be removed from their position, unless they have an attendance waiver approved by Council. Attendance records are kept by each board's City department staff liaison.

In 2021 and 2022, 5% (32 out of 634) of board members had waivers approved to address their attendance requirement violations.

Exhibit #2: Boards with approved attendance waivers in 2021 and/or 2022

Board Name	# of Members with Approved Attendance Waivers in 2022	# of Members with Approved Attendance Waivers in 2021
Animal Advisory Commission	1	0
Board of Adjustment	2	0
Bond Oversight Commission	0	2
Building and Standards Commission	1	0
Commission on Aging/ Seniors	3	0
Commission on Veterans Affairs	2	2
Commission on Women	0	1
Community Technology and Telecommunications Commission	0	1
Early Childhood Council	1	0
Economic Prosperity Commission	1	0
Electric Utility Commission	0	1
Ethics Review Commission	0	1
Human Rights Commission	1	1
LGBTQ Quality of Life Advisory Commission	0	1
Mayor's Committee for People with Disabilities	1	0

§ 2-1-26 - ATTENDANCE REQUIREMENTS AND AUTOMATIC VACATION.

With some exceptions for illness or injury, a board member automatically vacates their position if they are absent for three consecutive meetings or if they are absent for one-third of all regular meetings during a 12-month timeframe.

Board Name	# of Members with Approved Attendance Waivers in 2022	# of Members with Approved Attendance Waivers in 2021
Music Commission	1	2
Robert Mueller Municipal Airport Plan Implementation Advisory Commission	1	0
Tourism Commission	1	3
Water and Wastewater Commission	1	0

Source: Auditor analysis of approved attendance waivers for the calendar years of 2022 and 2021, March 2023

Data Quality Note: As previously mentioned, department staff liaisons collect attendance records for each board. However, we found this data to be incomplete and chose to instead calculate attendance issues by analyzing Council-approved waiver documents, which are publicly available within the Council’s records archive. Prior to May 2022, there was no formalized tracking system to document every time department staff liaisons emailed the Office of the City Clerk about a board member with an attendance issue beyond each board’s attendance records. As a result, only the board members who were mentioned via email and went on to receive attendance waivers were formally tracked in the Council-approved records. Therefore, our analysis only captures attendance violations in which board members received a waiver to resolve their attendance issue. However, there were likely more board members with attendance issues during 2021 and 2022 than are represented by the analyzed waivers, as not all board members with attendance issues request waivers.

OCC created a new system to track all board members flagged via email by department staff liaisons for having attendance issues in May 2022. According to data from May 2022 to February 2023, 32 board members were flagged to OCC for having attendance requirement violations. Out of those 32 board members:

- 9% (3) resigned,
- 3% (1) had their term end and did not renew their position,
- 41% (13) had their positions vacated, meaning that they were not granted an attendance waiver and were removed from the board,
- and 47% (15) received a waiver and continued to serve.

Question #3

Summarize the frequency of meetings, including cancellations.

§ 2-1-43 - MEETING REQUIREMENTS.

Unless otherwise provided in City Code, each board shall meet at least quarterly. A board shall annually approve a regular meeting schedule and file the schedule with the Office of the City Clerk. Each board must comply with the Texas Open Meetings Act.

The boards and commissions analyzed within this report are required by City Code to meet at least quarterly, or four times per year, unless otherwise specified in their bylaws.

Austin's 55 boards and commissions held a total of 510 meetings in 2021 and 521 meetings in 2022. 82% (45 out of 55) of boards and commissions state on their websites that they will meet monthly. **In practice, boards and commissions held an average of 9 meetings per year in 2021 and 9 meetings per year in 2022.**

Austin's boards and commissions cancelled a total of 200 meetings in 2021 and 189 meetings in 2022. **Boards cancelled meetings at an average rate of 28% in 2021 and 27% in 2022.**

The Office of the City Clerk provided a limited data set containing some reasons for cancellations in 2021 and 2022. Common reasons for meeting cancellations were a lack of quorum, inclement weather, and a lack of pressing agenda items.

While most boards intend to meet monthly and fall short of this goal, the majority of boards and commissions do comply with the quarterly meeting requirement outlined in City Code.

However, some boards do appear to be out of compliance with meeting requirements. **In 2021, 7% (4 out of 55) of boards met less than quarterly, and in 2022, 7% (4 out of 55) of boards met less than quarterly.** According to City Code, boards that do not post notice of and conduct a meeting for a period of six months have to notify the Council Audit and Finance Committee for further review.

Exhibit #3: Boards and Commissions that Did Not Satisfy Quarterly Minimum Meeting in 2021

Board Name	Total Meetings Held in 2021
Comprehensive Plan Joint Committee	3
Joint Cultural Committee	0
Mechanical and Plumbing Board	2
Tourism Commission	3

Source: Auditor analysis of board and commission agendas, March 2023

Exhibit #4: Boards and Commissions that Did Not Satisfy Quarterly Minimum Meeting in 2022

Board Name	Total Meetings Held in 2022
Building and Fire Code Board of Appeals	1
Joint Cultural Committee	0
Mechanical and Plumbing Board	2
Small Area Planning Joint Committee	3

Source: Auditor analysis of board and commission agendas, March 2023

Question #4

How many recommendations has each board made to the City Council? Did those recommendations fall within the stated scope of the board in City Code and/or board bylaws?

Most of Austin's boards and commissions are advisory. This means that they can make recommendations or give advice to Council, but do not have independent authority to make decisions. However, some boards, such as the Ethics Review Commission, Historic Landmark Commission, and Planning Commission, are sovereign or partially sovereign. This means that they can exercise independent authority and make decisions based on power granted to them by City Code, the City Charter, an ordinance, or a state or federal law. Each board has bylaws within City Code, and these bylaws outline the scope of topics and actions that comprise appropriate recommendations.

In 2021 and 2022, boards issued a total of 414 recommendations. 15 boards submitted no recommendations in 2021 and 2022. The number of recommendations each board made in 2021 and 2022 is available in Appendix C.

We also categorized recommendations into five groups to better understand how boards and commissions were advising Council through recommendations, as explained in Exhibit #5.

Exhibit #5: Types of recommendations submitted by boards in 2021 and 2022

Recommendation Category	Category Examples	Recommendations Per Category	% of Category
Board and Commissions Logistics	Creating an internal working group, requesting a specific location for board meetings, etc.	16	4%
Budget Requests	Identifying budget priorities as part of the City's annual budget process, making specific funding requests for staff, programs, or contracts related to their area of focus, etc.	89	21%
Legislative, Land Use, or Policy Proposals	Requesting Council address a policy problem or take a specific policy action, approving a zoning request, or expressing support for the City's state legislative agenda	282	68%

§ 2-1-41 - BOARD AUTHORITY AND ACTION.

Each board serves only in an advisory capacity to the City Council, unless granted specific authority in the City Code, the City Charter, an ordinance, or state or federal law.

Sovereign boards given specific authority include: Board of Adjustment, Building & Fire Code Board of Appeals, Build and Standards Commission, Electric Board, Ethics Review Commission, Historic Landmark Commission, Human Rights Commission, Mechanical Plumbing and Solar Board, Municipal Civil Service Commission, Urban Transportation Commission, Planning Commission, and Zoning and Platting Commission.

Recommendation Category	Category Examples	Recommendations Per Category	% of Category
Proclamation or Recognition Requests	Requesting a day of recognition for a person or concept, or requesting council declare support for a certain idea or group	5	1%
Combinations of the four other categories	Some recommendations included several requests	22	5%
<i>Total recommendations issued in 2021 + 2022:</i>		414	100%

Source: Auditor analysis of recommendations reports from the Office of the City Clerk, March 2023

99% (408) of these recommendations were determined to be within the scope of the board’s bylaws. Less than 1% (1) of recommendations were identified as not within the issuing board’s scope, and 1% (5) of recommendations were determined to be inconclusive as to whether they were within the issuing board’s scope or not.

The two boards that issued the inconclusive/out-of-scope recommendations were:

- the Animal Advisory Commission, which was found to have three inconclusive recommendations and one out-of-scope recommendation,
- and the Economic Prosperity Commission, which was found to have two inconclusive recommendations.

Exhibit #6: Out of Scope/Inconclusive Recommendations Issued in 2021 and 2022

Board Name	Summary of Recommendation	Within Scope?	Explanation
Animal Advisory Commission	Enact series of recommendations about operations at the Austin Animal Center in response to Austin Animal Center’s space crisis statement	Inconclusive	Potentially contradicts board’s bylaws
Animal Advisory Commission	Recommends Council be aware of City Ordinance noncompliance related to animal disposition at the Austin Animal Center and resolve the issue	Inconclusive	Potentially contradicts board’s bylaws

Board Name	Summary of Recommendation	Within Scope?	Explanation
Animal Advisory Commission	Recommends that the base wage for all Austin Animal Center employees be increased to \$22	Inconclusive	Potentially contradicts board's bylaws
Animal Advisory Commission	Resolution of no confidence in the Chief Animal Services Officer of the Austin Animal Center	Out-of-scope	Contradicts board's bylaws
Economic Prosperity Commission	Recommend the Council act on a variety of recommendations related to addressing the homelessness crisis in Austin, from anti-eviction measures to reworking the land use and development code	Inconclusive	Not clearly connected to topics outlined by bylaws
Economic Prosperity Commission	Recommend the Council act on a variety of recommendations related to communications and planning for disasters, with an emphasis on equity and resiliency	Inconclusive	Not clearly connected to topics outlined by bylaws

Source: Auditor analysis of recommendations reports from the Office of the City Clerk, March 2023

Animal Advisory Commission Recommendation Issues:

The Animal Advisory Commission recommendation related to the Chief Animal Services Officer was determined to be out of scope because it explicitly contradicted the following content in their bylaws: “advise the city council on animal welfare policies and on budget priorities identified by the commission and the community, *except on issues related to the administration of the Animal Services Department.*”

We also considered three Animal Advisory Commission recommendations to be ‘inconclusive’ as it is unclear whether some, or all, of the recommendation content abides by the same line in the bylaws that states the commission should not make recommendations regarding the administration of the Austin Animal Center.

Additionally, we observed that the Animal Advisory Commission is the only board that has bylaws that explicitly prevent them from making recommendations regarding the administration of a City department. Our analysis found that other boards made substantively similar recommendations that were determined to be within scope. This was because the bylaws of the other boards do not explicitly state that they cannot advise on issues related to the administration of the department in question, unlike the Animal Advisory Commission.

Determining whether a recommendation was within or outside of the scope of the Animal Advisory Commission’s bylaws was further complicated by the fact that the bylaws include unclear instructions.

Within the bylaws, the board is instructed to “advise the city council and the Travis County Commissioners Court on compliance with Texas Health and Safety Code Chapter 823 (*Animal Shelters*), city code, and council objectives,” which could include commenting on legal and policy compliance at the Austin Animal Center, as it meets the definition of an animal shelter. However, the bylaws then exclude the board from advising on “*issues related to the administration of the Animal Services Department*,” which includes the Austin Animal Center. The distinction between issues related to compliance with law and Council objectives at the Austin Animal Center, and the administration of the Animal Services Department, may be challenging for board members, and other stakeholders, to determine.

Economic Prosperity Commission Recommendation Issues:

An Economic Prosperity Commission recommendation about homelessness was determined to be inconclusive because it did not specifically relate to the board’s subject matter as defined in the board bylaws, which are: “matters related to construction and job creation.”

The second Economic Prosperity Commission recommendation determined to be ‘inconclusive’ resulted from a similar deviation from the board’s stated subject area, as it related to disaster preparedness in the wake of Winter Storm Uri. However, in this submitted recommendation, the board stated their mission as the following: “WHEREAS, the Economic Prosperity Commission advises council on matters of construction, job creation, and the prosperity of all Austinites.” We were unable to locate this addition of “the prosperity of all Austinites” in the Economic Prosperity Commission’s bylaws, their boards and commissions homepage site, or their publicly available annual reports. However, if this component of their mission statement was codified into the bylaws, both inconclusive recommendations could be recategorized as within scope according to our analysis. The inconclusive nature of the Economic Prosperity Commission’s recommendations may reflect that their bylaws, which are limited to construction and job creation, are out of step with contemporary perceptions of economic prosperity.

Note on Board Bylaws: Throughout our analysis, we noted that the language of board bylaws varies in terms of whom boards are instructed to advise. Most board bylaws state that they are to advise Council, while others are given jurisdiction to advise Council, County officials, City management, and City departments.

We observed that many boards that were, according to their bylaws, supposed to advise Council, instead directed recommendations specifically to City management or City of Austin departments. These misdirected recommendations could be interpreted to be out of scope of their bylaws. However, we determined that most of these recommendations were substantively relevant and otherwise within scope, especially because they are generally issued in an advisory capacity and were related to the board’s designated policy area.

Question #5

Are there other areas that boards have communicated with Council about? Did those communications fall within the stated scope of the board in City Code and/or board bylaws?

In addition to issuing recommendations to Council, we learned that **boards communicate with Council members and their staff regarding logistical matters related to board operations, policy-related matters, and, on occasion, interpersonal issues between board members.**

The City Code does not appear to develop specific protocols for external communications beyond requiring that board members maintain decorum and should only use their official city email while communicating about board business. During interviews with the Office of the City Clerk and Council offices, we did hear that some board members struggle to comply with the requirement to use their official city email addresses for board business. However, data was not available or gathered specifically on this topic.

Board members are also required to follow the Texas Open Meetings Act, a state law meant to increase government transparency. Some of this law's requirements are that the public must be permitted to attend meetings, an agenda of meetings must be posted for the public to see, and minutes must be kept.

External communications by board members, whether with Council or another party, are subject to the Texas Open Meetings Act if a quorum of members is present within the discussions, whether these discussions are in-person, via email, or virtual. However, there are no restrictions within the Texas Open Meetings Act that apply to individual board or commission member's communications with a Council member or staff person.

In the absence of an official scope of appropriate communications within the bylaws, we interviewed representatives from five Council offices to learn more about the nature of communications between their offices and board members.

§ 2-1-49 - COMMUNICATIONS USING ELECTRONIC DEVICES.

The Office of the City Clerk shall establish and maintain an email system for the use of board members in conducting board business. The City Manager shall provide the necessary technical support. Board member shall use the City e-mail account for all electronic communications related to the member's service as a board member.

We learned that Council offices typically communicate with board members via email or phone. Outside of official meetings, such as budget consultations, town halls, or appreciation events hosted by Council offices, all Council offices stated that board members did not reach out to their offices with any regular frequency. Many interviewed Council offices explained that the frequency of communications between board members and their offices depends on the political saliency of the board's work or policy area. Interviewed Council office representatives also frequently stated that boards with engaged and enthusiastic board members are more likely to have established lines of communication with their offices. Additional conclusions from Council office interviews can be found in Appendix D.

Additional Observations

Challenges with Board Data Collection

We were tasked with answering the special request questions for the period of the two most recent calendar years, 2021 and 2022. However, the data collected by the Office of the City Clerk and the department staff liaisons was inconsistent, or non-existent, for some of this time period, as previously explained on page 4. As a result, we could not answer the question related to vacancies for all of 2021 and 2022.

We encountered similar limitations when trying to assess the number of board members flagged for having attendance issues over the entire two-year period, as previously mentioned on page 6. Prior to May 2022, there was no formalized tracking system to document every time department staff liaisons emailed OCC about a board member with an attendance issue, beyond what was documented by staff liaisons in individual board attendance records, which were inconsistent and incomplete. Only the board members who were mentioned via email and went on to receive attendance waivers were formally tracked in Council-approved records. Therefore, our analysis only provides a limited view of annual board members with attendance issues, as not all board members with attendance issues request waivers. OCC did create a new system to track all board members flagged by department staff liaisons for having attendance issues in May 2022.

Overall, it may be challenging to receive and collect consistent data from boards due to the volunteer nature of their service.

It was also challenging to determine how many boards and commissions exist or are active within the City of Austin at any given point in time. We found that there are 93 boards and commissions listed on the “Boards and Commissions Information Center” webpage maintained by the Office of the City Clerk. A list of the 38 boards that are included on this webpage that are not codified in City Code Chapter § 2-1 can be found in Appendix E. Out of these 93 identified boards, our analysis found that 65 had actively met in 2022 and/or 2021. Additionally, we do not consider 93 to be the definitive number of boards and commissions in Austin, as a few additional boards, or task forces, that were not listed on the boards and commissions homepage, did appear in other data sets shared by OCC.

Appendix A: List of boards and commissions codified in city code and analyzed in special request

Location within Chapter 2.1	Board Name
Article 2-1-101	African American Resource Advisory Commission
Article 2-1-102	Animal Advisory Commission
Article 2-1-103	Arts Commission
Article 2-1-104	Asian American Quality of Life Advisory Commission
Article 2-1-105	Airport Advisory Commission
Article 2-1-106	Lesbian, Gay, Bisexual, Transgender, and Queer Quality of Life Advisory Commission
Article 2-1-107	Community Technology and Telecommunications Commission
Article 2-1-108	Mayor's Committee for People with Disabilities
Article 2-1-109	Music Commission
Article 2-1-111	Board of Adjustment
Article 2-1-112	Bond Oversight Commission
Article 2-1-121	Building and Fire Code Board of Appeals
Article 2-1-122	Building and Standards Commission
Article 2-1-123	Early Childhood Council
Article 2-1-124	College Student Commission
Article 2-1-125	Commission for Women
Article 2-1-126	Commission on Immigrant Affairs
Article 2-1-127	Commission on Veterans Affairs
Article 2-1-128	Community Development Commission
Article 2-1-129	Construction Advisory Committee
Article 2-1-130	Design Commission
Article 2-1-131	Downtown Austin Community Court Advisory Board
Article 2-1-132	Commission on Seniors/Aging***
Article 2-1-140	Downtown Commission
Article 2-1-141	Economic Prosperity Commission
Article 2-1-142	Electric Board
Article 2-1-143	Electric Utility Commission
Article 2-1-144	Environmental Commission
Article 2-1-145	Ethics Review Commission
Article 2-1-146	Hispanic/Latino Quality of Life Resource Advisory Commission
Article 2-1-147	Historic Landmark Commission
Article 2-1-148	Human Rights Commission
Article 2-1-150	Library Commission
Article 2-1-161	Mechanical and Plumbing Board
Article 2-1-162	Mexican American Cultural Center Advisory Board
Article 2-1-163	Minority-Owned and Women-Owned Business Enterprise and Small Business Enterprise Procurement Program Advisory Committee

Location within Chapter 2.1	Board Name
Article 2-1-164	Municipal Civil Service Commission
Article 2-1-165	Parks and Recreation Board
Article 2-1-166	Planning Commission
Article 2-1-168	Resource Management Commission
Article 2-1-169	Robert Mueller Municipal Airport Plan Implementation Advisory Commission
Article 2-1-170	Austin-Travis County Food Policy Board
Article 2-1-171	Public Safety Commission
Article 2-1-172	South Central Waterfront Advisory Board
Article 2-1-173	Tourism Commission
Article 2-1-182	Zero Waste Advisory Commission
Article 2-1-185	Urban Transportation Commission
Article 2-1-186	Water and Wastewater Commission
Article 2-1-188	Zoning and Platting Commission
Article 2-1-203	Joint Cultural Committee
Article 2-1-204	Joint Inclusion Committee
Article 2-1-205	Small Area Planning Joint Committee
Article 2-1-206	Joint Sustainability Committee
Article 2-1-207	Codes and Ordinances Joint Committee
Article 2-1-208	Comprehensive Plan Joint Committee

Source: Auditor analysis of City Code Chapter 2.1, March 2023

*** [The Commission on Seniors formally changed its name to the Commission on Aging in 2022](#)

Appendix B: List of boards and commissions with long-term vacancies (3 months or longer) in 2021 and 2022

Board Name	Number of Vacancies Longer than 3 Months	Duration of Each Vacancy	Appointing Entity (Council District or Mayor)
African American Resource Advisory Commission	1	at least 10 months	District 6
Animal Advisory Commission	1	5 months	District 10
Arts Commission	1	3 months	District 1
Asian American Quality of Life Advisory Commission	3	at least 4 months	District 4
		at least 8 months	District 7
		at least 6 months	District 8
Board of Adjustment	1	4 months	District 4
Building and Fire Code Board of Appeals	1	at least 10 months	District 4
Building and Standards Commission	1	5 months	District 2
Commission on Immigrant Affairs	2	at least 3 months	District 9
		at least 7 months	District 9
Commission on Veterans Affairs	1	6 months	District 4
Community Development Commission	2	8 months	District 1
		4 months	District 2
Community Technology and Telecommunications Commission	4	at least 3 months	District 4
		at least 10 months	District 6
		3 months	District 8
		3 months	Mayor
Construction Advisory Committee	3	at least 10 months	District 2
		3 months	District 6
		at least 7 months	District 7
Downtown Austin Community Court Advisory Board	2	9 months	District 1
		6 months	District 2
Economic Prosperity Commission	4	5 months	District 3
		at least 6 months	District 4
		3 months	District 9
		3 months	Mayor
Electric Board	1	at least 10 months	District 4
Electric Utility Commission	2	4 months	District 2
		4 months	District 3
Emma S. Barrientos Mexican American Cultural Center Advisory Board	3	3 months	District 10
		at least 5 months	District 4
		at least 6 months	District 8
Ethics Review Commission	1	8 months	Mayor

Board Name	Number of Vacancies Longer than 3 Months	Duration of Each Vacancy	Appointing Entity (Council District or Mayor)
Hispanic/Latino Quality of Life Resource Advisory Commission	2	at least 3 months	District 10
		at least 10 months	District 9
Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission	1	4 months	District 7
Library Commission	2	at least 6 months	District 4
		4 months	District 6
Mayor's Committee for People with Disabilities	1	at least 10 months	District 4
Mechanical and Plumbing Board	1	9 months	District 4
Parks and Recreation Board	1	at least 3 months	District 4
Planning Commission	1	4 months	District 2
Public Safety Commission	3	3 months	District 1
		6 months	District 4
		4 months	District 8
Resource Management Commission	1	6 months	District 7
Robert Mueller Municipal Airport Plan Implementation Advisory Commission	1	4 months	District 8
South Central Waterfront Advisory Board	1	3 months	Joint Appt (District 9 & Mayor)
Tourism Commission	2	at least 3 months	District 9
		at least 10 months	Mayor
Urban Transportation Commission	1	4 months	District 6
Water and Wastewater Commission	2	at least 10 months	District 6
		5 months	District 8
Zero Waste Advisory Commission	1	at least 3 months	District 4
Total	55		

Source: Auditor analysis of vacancy reports from the Office of the City Clerk, March 2023

Appendix C: Number of recommendations submitted by boards and commissions in 2021 + 2022

Board Name	Number of Recommendations
African American Resource Advisory Commission	2
Animal Advisory Commission	14
Arts Commission	7
Asian American Quality of Life Advisory Commission	9
Austin Travis County Food Policy Board	3
Board of Adjustment	2
Building and Fire Code Board of Appeals	1
College Student Commission	4
Commission for Women	12
Commission on Aging	19
Commission on Immigrant Affairs	15
Commission on Veterans Affairs	3
Community Development Commission	8
Community Technology and Telecommunications Commission	4
Design Commission	21
Downtown Austin Community Court Advisory Board	2
Downtown Commission	4
Early Childhood Council	16
Economic Prosperity Commission	2
Electric Utility Commission	8
Environmental Commission	82
Ethics Review Commission	2
Hispanic Latino Quality of Life Resource Advisory Commission	10
Historic Landmark Commission	2
Human Rights Commission	10
Joint Inclusion Committee	9
Joint Sustainability Committee	12
Lesbian, Gay, Bisexual, Transgender, and Queer Quality of Life Advisory Commission	13
Library Commission	5
Mayor's Committee for People with Disabilities	12
Mexican American Cultural Center Advisory Board	13
Music Commission	11
Parks and Recreation Board	25
Planning Commission	6
Public Safety Commission	11
Resource Management Commission	8
South Central Waterfront Advisory Board	5

Board Name	Number of Recommendations
Urban Transportation Commission	11
Water and Wastewater Commission	2
Zoning and Platting Commission	9
Airport Advisory Commission	0
Bond Oversight Commission	0
Building and Standards Commission	0
Construction Advisory Committee	0
Electric Board	0
Mechanical and Plumbing Board	0
Minority-Owned and Women-Owned Business Enterprise and Small Business Enterprise Procurement Program Advisory Committee	0
Municipal Civil Service Commission	0
Robert Mueller Municipal Airport Plan Implementation Advisory Commission	0
Tourism Commission	0
Zero Waste Advisory Commission	0
Joint Cultural Committee	0
Small Area Planning Joint Committee	0
Codes and Ordinances Joint Committee	0
Comprehensive Plan Joint Committee	0
Total Recommendations	414

Source: Auditor analysis of recommendations reports from the Office of the City Clerk, March 2023

Appendix D: Conclusions from auditor-conducted interviews with Council offices

Discussion Topic	Conclusions from Aggregate Interview Data
When asked about methods of communications:	100% (5 out of 5) of interviewed council offices mentioned that email and phone were typical methods of communication between board members and their offices.
	40% (2 out of 5) of interviewed council offices mentioned that communications between board members and their offices occasionally occurred via text message.
	20% (1 out of 5) of interviewed council offices mentioned that communications between board members and their offices also occurred via conversations during community meetings and events.
When asked how often boards and commissions communicated with their offices:	100% (5 out of 5) of interviewed council offices stated that boards did not reach out to their offices with any regular frequency.
	60% (3 out of 5) of interviewed council offices stated that the frequency of communications between their offices and boards depends on the political saliency of the board's work or of their policy area (overall or in a particular moment in time).
When asked about the topics that boards and commissions discuss with council offices:	60% (3 out of 5) of interviewed council offices mentioned that board members reach out to their offices to discuss logistics (resignations, attendance waivers, term renewals, etc.)
	80% (4 out of 5) of interviewed council offices mentioned that board members reach out to their offices to discuss policy-related matters (recommendations, agenda items, budget items, etc.)
	40% (2 out of 5) of interviewed council offices mentioned that boards occasionally reach out to their offices to discuss interpersonal issues among board members.
We also wanted to understand whether council offices were more likely to have established lines of communication with certain boards versus others. In response to this question:	80% (4 out of 5) of interviewed council offices stated that boards with engaged and enthusiastic commissioners are more likely to have established lines of communication with their offices.
	60% (3 out of 5) of interviewed council offices stated that boards that deal with politically salient issue areas are more likely to have established lines of communication with their offices.
	40% (2 out of 5) of interviewed council offices mentioned that there was an overlap between boards that deal with politically salient issues and those that have engaged and enthusiastic commissioners.
	20% (1 out of 5) of interviewed council offices mentioned that "culturally-focused" boards were more likely to have established lines of communication with their offices.

Appendix E: Boards and commissions listed on the COA boards and commissions website that are not codified in City Code Chapter 2.1 (excluded from auditor analysis)

Board Name	Reason for Exclusion	Active in 2022 and/or 2021?
2018 Charter Review Commission	Not codified in Chapter 2.1	No posted meetings since 2018
Airport Boulevard Advisory Group	Not codified in Chapter 2.1	No posted meetings since 2012
Anti-Displacement Task Force	Not codified in Chapter 2.1	No posted meetings since 2018
Applicant Review Panel	Not codified in Chapter 2.1	No posted meetings since 2020
Aquatic Master Plan Task Force	Not codified in Chapter 2.1	No posted meetings since 2018
Austin Energy Low Income Customer Advocates	Not codified in Chapter 2.1	No posted meetings since 2014
Austin Generation Resource Planning Task Force	Not codified in Chapter 2.1	No posted meetings since 2014
Austin Integrated Water Resource Planning Community Task Force	Not codified in Chapter 2.1	Yes
Austin Travis County EMS Advisory Board	Not codified in Chapter 2.1	Yes
Austin Travis County Integral Care Board of Trustees	Not codified in Chapter 2.1	No posted meetings since 2013
Austin Travis County Public Health Commission	Established in October 2022; website mentions being established in Chapter 2.1, but not mentioned within current version of City Code Chapter 2.1 available online (March 2023)	No posted meetings yet (established 2022)
Austin Water Resource Planning Task Force	Not codified in Chapter 2.1	No posted meetings since 2014
Boards and Commissions Transition Taskforce	Not codified in Chapter 2.1	No posted meetings since 2014
Bond Election Advisory Task Force	Not codified in Chapter 2.1	No posted meetings since 2018
Central Health Board of Managers	Not codified in Chapter 2.1	Yes
City Manager Search Advisory Task Force	Not codified in Chapter 2.1	No posted meetings since 2017
Comprehensive Plan Citizens Advisory Task Force	Not codified in Chapter 2.1	No posted meetings since 2012
Firefighters', Police Officers' and EMS Civil Service Commission	Not codified in Chapter 2.1	Yes
Flood Mitigation Task Force	Not codified in Chapter 2.1	No posted meetings since 2016
HIV Planning Council	Not codified in Chapter 2.1	Yes

Board Name	Reason for Exclusion	Active in 2022 and/or 2021?
Housing Authority of the City of Austin	Not codified in Chapter 2.1	Yes
Impact Fee Advisory Committee	Not codified in Chapter 2.1	Yes
Independent Citizens Redistricting Commission	Not codified in Chapter 2.1	Yes
Lake Austin Task Force	Not codified in Chapter 2.1	No posted meetings since 2013
Land Development Code Advisory Group	Not codified in Chapter 2.1	No posted meetings since 2017
Low Income Consumer Advisory Task Force	Not codified in Chapter 2.1	No posted meetings since 2015
Parkland Events Task Force	Not codified in Chapter 2.1	No posted meetings since 2016
Residential Design and Compatibility Commission	Not codified in Chapter 2.1	No posted meetings since 2015
Sign Review Board	Not codified in Chapter 2.1	No posted meetings since 2015
Special Events Task Force	Not codified in Chapter 2.1	Yes
Task Force on Community Engagement	Not codified in Chapter 2.1	No posted meetings since 2016
Task Force on Gun Violence	Not codified in Chapter 2.1	No posted meetings
Travis Central Appraisal District Board of Directors	Not codified in Chapter 2.1	Yes
Urban Forestry Board	Not codified in Chapter 2.1	No posted meetings since 2015
Urban Renewal Board	Not codified in Chapter 2.1	Yes
Visitor Impact Task Force	Not codified in Chapter 2.1	No posted meetings since 2017
Waterfront Planning Advisory Board	Not codified in Chapter 2.1	No posted meetings since 2015
Winter Storm Review Task Force	Not codified in Chapter 2.1	Yes
Total Boards	38	

Source: Auditor analysis of City Code Chapter 2.1 and the COA Boards and Commissions webpage, March 2023

Appendix F: Peer City Research Analysis

1. **Number of Boards and Commissions** - We identified that there are 93 boards and commissions listed on Austin’s Office of the City Clerk’s webpage, 55 of which are established and governed by Austin City Code. Our peer research analysis found that peer cities have an average of 95.8 boards and commissions.

City	Number of Boards
Austin, TX	93
El Paso, TX	52
Houston, TX	161
San Antonio, TX	93
Seattle, WA	77

2. **Annual Reporting Requirements** - Some boards in Austin struggle to comply with annual reporting requirements. 25% (1 out of 4) interviewed peer cities have annual reporting requirements for all boards and commissions.

- In San Antonio, boards have annual reporting requirements; these reports are completed by the board’s assigned department staff liaison. In Austin, annual reports are compiled by board members. In both cities, these reports are then submitted to the Office of the City Clerk.
- In Seattle, there are no Citywide requirements for board reporting. However, board department staff liaisons collect information about their boards weekly. This information shared by departments as part of their weekly updates to the Mayor.

3. **Board Sunsetting** - Evaluating the process for sunseting boards in Austin was outside of the scope of our project. However, we observed some inactive and redundant boards while completing the special request. We found that 50% (2 out of 4) interviewed peer cities have specific processes for determining if a board or commission should sunset.

- In El Paso, most boards and commissions have sunset dates written into their enacting ordinances/ board bylaws. When a board’s sunset date arrives, the board either lapses, or the Council can propose to reinstate the board.
- In San Antonio, annual reporting requirements help determine when it is necessary to sunset a board. Annual reports compiled by department staff liaisons include attendance records, and require responses to questions that address board effectiveness such as:
 - Is the board having trouble making quorum? Are there issues with the board bylaws? What has the board accomplished this year? Should the board sunset, and if so, explain why?

The San Antonio Clerk’s Office meets with the Mayor and the Council to discuss all board annual reports. If a board has been flagged for a possible sunset in their report, the Mayor, Clerk’s Office, and Council will determine whether further action is required.

Sources

To observe how other cities manage boards and commissions, our office interviewed City employees from four peer cities: El Paso, Houston, San Antonio, and Seattle. Peer city staff interviewed for this analysis include the Houston Director of Boards and Commissions, a staff member from the City of San Antonio’s Office of the City Clerk, the Seattle Boards and Commissions Program Manager, and staff from the City of El Paso’s Office of the City Clerk.

Why We Did This Report

This report responds to a request from Council Member José “Chito” Vela and Council Member Natasha Harper-Madison regarding the City’s boards and commissions.

Scope

The audit scope included all boards and commissions that are established and governed by City Code Chapter § 2-1 for the time period of calendar years 2021 and 2022. A full list of boards included in this report’s analysis is available in Appendix A.

Methodology

To complete this special request, we performed the following steps:

- interviewed staff from the Office of the City Clerk and peer cities, as well as representatives from the Council Offices of Council member Alison Alter, Mayor Pro Tem Paige Ellis, Council member Natasha Harper-Madison, Council member Leslie Pool, and Council member José “Chito” Vela
- analyzed reports from the Office of the City Clerk, including monthly vacancy reports from November 2021 to December 2022, recommendation reports for 2021 and 2022, and cancellation notice reports from 2021 and 2022
- collected and analyzed ‘Board and Commission Nominations and Waivers’ documents from the Council-Approved Records database
- reviewed the “Boards and Commissions Information Center” and various resources publicly available to boards via the Office of the City Clerk’s webpage
- reviewed and analyzed meeting schedules, agendas, approved meeting minutes, mission statements for each board via the “Boards and Commissions Information Center” webpage
- evaluated City Code Chapter § 2-1, including board requirements and individual board bylaws
- reviewed the City of Austin Fiscal Year 2022-2023 Approved Budget
- researched the Texas Open Meetings Act and ethics standards for City of Austin officials

Project Type

Special request projects conducted by the Office of the City Auditor are considered non-audit projects under Government Auditing Standards and are conducted in accordance with the ethics and general standards (Chapters 1-3).

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve City services. Special requests are designed to answer specific questions to assist Council in decision-making. We do not draw conclusions or make recommendations in these reports.

Team

Kelsey Thompson, Audit Manager
Sarah Evers, Auditor-in-Charge
Kristina Kern
Mateo Macias

City Auditor

Corrie Stokes

Deputy City Auditor

Jason Hadavi

Office of the City Auditor

phone: (512) 974-2805

email: AustinAuditor@austintexas.gov

website: <http://www.austintexas.gov/auditor>



AustinAuditor



@AustinAuditor

Copies of our audit reports are available at
<http://www.austintexas.gov/page/audit-reports>

Alternate formats available upon request